

Remarks

Claims 1-16 and 42-66 remain in the application.

New claims 42-66 with some corrections duplicate claims added by the first preliminary amendment dated April 6, 2004, which apparently did not reach the Examiner before the mailing date for this Office Action of April 29, 2004, and which their entry is uncertain. The second preliminary amendment dated May 3, 2004 crossed in the mail with the present Office Action and is assumed to not have been entered. The present amendment cancels those claims 17-41 of the two preliminary amendments and the new claims are subsequently numbered.

New claims 42-66 are selected and adapted from the claims allowed in commonly assigned Serial No. 10/052,681, filed January 17, 2003 (Applied docket 1931.P1), for which the issue fee has been paid but which has apparently not issued. Some claims have been somewhat broadened, others narrowed, while some dependent claims have not been selected.

Claims 1, 4, 6, 8, and 12 have been amended to change "atomic layer epitaxy" to "atomic layer deposition", the term used in the originally filed description. The Examiner in his rejection apparently interpreted epitaxy to mean merely deposition, as was intended.

The Examiner has rejected claims 1-16 for obviousness-type double patenting over U.S. Patent No. 6,498,091 to Chen et al., the grandparent of the present application. A Terminal Disclaimer is submitted herewith over this patent as well as over the parent Patent 6,660,622. Accordingly, this rejection should be removed.

The Terminal Disclaimer also disclaims over Serial No. 10/052,681 to preempt an obviousness-type double patenting rejection of new claims 42-66.

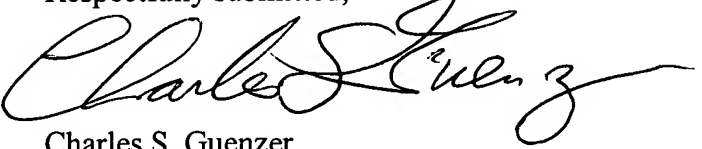
The Examiner has rejected claims 1-3 under 35 U.S.C. §102(e) as being anticipated by Satta et al. (U.S. Patent 6,391,785, hereafter Satta). Dependent claim 3 has been substantially incorporated into claim 1 with the additional limitation that the etching selectively etch the barrier at the bottom relative to the sides. A new dependent claim 67 requires that the selective etching be done with energetic ions. Both limitations are supported in the filed specification at

page 7, lines 8-13. In contrast, Satta describes at col. 13, lines 22-37 that a selective result is achieved by selective surfaces through selective deposition involving ligands in combination with an isotropic etch. Indeed, at the end of the cited passage, Satta teaches against the anisotropic etching of prior art U.S. Patent 5,904,565 for achieving the selective result.

It is believed that Satta does not anticipate or render obvious the newly added claims.

In view of the above amendments and remarks, early consideration and allowance of all claims are respectfully requested. If the Examiner believes that a telephone interview would be helpful, he is invited to contact the undersigned attorney at the listed telephone number, which is on California time.

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